

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

AMEDEO NAPPI,

Plaintiff,

v.

FEDEX GROUND PACKAGE
SYSTEM, INC.,

Defendant.

CASE NO. C07-5256BHS

ORDER DENYING
PLAINTIFF'S MOTION TO
EXTEND TIME TO FILE
DOCUMENTS AND TO
AMEND COMPLAINT AND
GRANTING DEFENDANT'S
MOTION FOR SUMMARY
JUDGMENT

This matter comes before the Court on Plaintiff's Motion to Extend Time to File Documents and to Amend Complaint (Dkt. 21) and Defendant's Motion for Summary Judgment (Dkt. 15). The Court has considered the pleadings filed in support of and in opposition to the motions, the declarations submitted in support and opposition to the motions, and the remainder of the file herein, and hereby denies Plaintiff's motion and grants Defendant's motion for the reasons stated herein.


Plaintiff filed his motion to extend time and to amend his complaint on March 21, 2008. Dkt. 22. Plaintiff seeks to extend time to allow for further discovery. *Id.* at 2. Defendant contends, and nothing in the record indicates to the contrary, that it has provided all relevant documentation to Plaintiff. Dkt. 22 at 3. The deadline for discovery

1 motions was December 14, 2007 and the deadline for amending pleadings was November
2 6, 2007. Plaintiff's motion is thus untimely and should be denied. It is not necessary to
3 decide Defendant's motion to strike Plaintiff's declaration in support (Dkt. 25), as the
4 Court has not considered this information due to Plaintiff's failure to comport with the
5 procedural requirements of his motion.

6 Pursuant to *Hall v. North American Van Lines, Inc.*, 476 F.3d 683 (9th Cir. 2007),
7 all of Plaintiff's claims are preempted by the Carmack Amendment. Defendant's motion
8 for summary judgment should be granted and Plaintiff's claims should be dismissed
9 without prejudice.

10 Therefore, it is **ORDERED** that Plaintiff's Motion to Extend Time to File
11 Documents and to Amend Complaint (Dkt. 21) is hereby **DENIED**. Defendant's Motion
12 for Summary Judgment (Dkt. 15) is hereby **GRANTED**, and Plaintiff's claims are hereby
13 **DISMISSED without prejudice**.

14 DATED this 1st day of April, 2008.

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17 BENJAMIN H. SETTLE
18 United States District Judge
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